

Notice of Allowability

Application No.

10/726,524

Examiner

Joseph D. Anthony

Applicant(s)

RILEY, PETER

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/08/06.
2. ☒ The allowed claim(s) is/are 21-30 [renumbered as 1-10].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher W. Brody on 1/2/07.

The application has been amended as follows:

Please amend independent claim 21 as followed:

21. (currently amended) A method for suppressing production of methane and/or ammonia vapors by a petroleum or petroleum-based product or other material undergoing degradation or decay and releasing methane and/or ammonia vapors, comprising applying to said product or material a composition comprising:

(a) a nonionic primary surfactant comprising an ethoxylated sorbitol oleate;

(b) a nonionic secondary surfactant selected from the groups consisting of linear ethoxylated secondary alcohols, polyoxyethylene aryl ethers, ethoxylated sorbitan monolaurates, ethoxylated fatty acid amides and ethoxylated fatty acids; wherein said nonionic secondary surfactant contains about 7 moles to about 26 moles of ethylene

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oxide and comprising from about 20 to about 36 weight percent of said composition, and wherein said nonionic secondary surfactant is capable of stabilizing and solubilizing said nonionic primary surfactant such that said composition has a hydrophilic/lipophilic balance between about 12.0 and about 13.5; and

(c) water.

On page 1 of the specification please delete the continuation data section in its entirety and insert therefor the following:

This application is a divisional of U.S. Patent Application No. 09/987,234, filed December 9, 2003 now U.S. Patent Number 6,660,698, which is a continuation-in-part of commonly assigned U.S. Patent Application No. 09/458,678, filed December 10, 1999, now abandoned, which is a continuation-in-part of U.S. Patent Application No. 09/081,461, filed May 19, 1998, now abandoned, which is a continuation-in-part of U.S. Patent Application No. 08/701,063, filed August 21, 1996, now U.S. Patent Number 5,753,127.

2. The following is an examiner's statement of reasons for allowance: The above examiner amendment to independent claim 21 was necessary because applicant's amendment of 12/08/2006 to independent claim 21, did not adequately correct the outstanding 35 USC 112 second paragraph indefiniteness issues as set forth in the

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office action mailed 10/5/06. Likewise, the examiner's amendment to the specification was necessary because of applicant's failure to update the continuation data section of the specification.

The claims are deemed to be patentable for the reasons of record. Even more significant, the claims are deemed to be patentable over the prior-art because there is no prior-art reference or combinations of prior-art references that teach or suggest using applicant's composition, as set forth in independent claim 21, in a method for suppressing production of methane and/or ammonium vapors by petroleum or petroleum-based products or other material undergoing degradation or decay and releasing methane and/or ammonium vapors by applying to said product or material said composition.

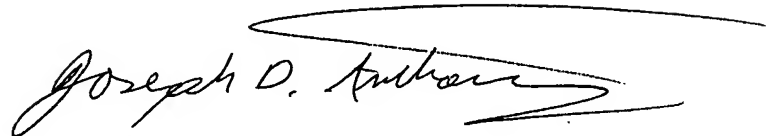
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be

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treated as Official communications and cannot be immediately handled by the
Examiner.

A handwritten signature in black ink, appearing to read "Joseph D. Anthony", with a long horizontal flourish extending to the right.

Joseph D. Anthony
Primary Patent Examiner
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1/2/07